

A MEETING OF THE BOARD OF COMMISSIONERS OF
THE CITY OF SODDY-DAISY, TENNESSEE, WAS HELD
ON THURSDAY, SEPTEMBER 3, 2009 AT 7:00 P.M.

MEMBERS PRESENT:
VICE-MAYOR PRIVETT
COMMISSIONER ADAMS
COMMISSIONER HARMON
COMMISSIONER SKILES
CITY MANAGER STULCE
CITY ATTORNEY ELLIOTT
CITY RECORDER BURRIS

MEMBER ABSENT:
MAYOR SHIPLEY

June Griffith, Tennessee Committee for the Bill of Rights, addressed the Board stating she was proud of the Commission’s vote on guns being allowed in the parks and commended them for it. She said part of their group’s mission is to reclaim the Ten Commandments, the Declaration of Independence and our Bill of Rights. She reminded them of their oath to uphold the Bill of Rights and thanked them for the opportunity to speak.

The minutes of the meeting held August 20, 2009 were approved as presented.

Old Business:

2009-2010 ORDINANCE NO. 4
AN ORDINANCE OF THE CITY OF SODDY-DAISY, TENNESSEE,
REPLACING 2008-2009 ORDINANCE NO. 11 TO PROVIDE FOR THE
GENERAL REVENUE FOR THE FISCAL YEAR 2009-2010 TO BE
KNOWN AS THE GENERAL REVENUE ORDINANCE ESTABLISHING
THE TAX RATE OF SIXTY-EIGHT POINT SIX CENTS (\$.686) FOR SAID YEAR.
SECOND AND FINAL READING.

Vice-Mayor Privett stated that the public hearing was held at the last meeting but asked if there were any comments and/or questions from those present. There were none. He explained that this change was to lower the tax rate to compensate for the reappraisal.

- 1st - Commissioner Adams
- 2nd - Commissioner Skiles
- Ayes - Unanimous

New Business: None.

Citizens’ Participation:

John Grace, 12209 Plow Lane, addressed the Board saying he was a representative of the resident committee, a committee that was formed to work with the subdivision developer and the City to try and resolve the drainage issues that have developed over the past few years. He said the committee has drawn the following conclusions: 1) Specific drainage problems came as a result of the development of the cul-de-sac at the end of Plow Lane and the development of the hill across the intersection of Macon Way and Posey Hollow. 2) The drainage system was never installed as designed by the engineering plan and does not meet the requirements as set forth in the City of Soddy-Daisy’s subdivision regulations. 3) During development of lots along the drainage easement, contractors have altered the drainage system without proper authority in what appears to be an intent

to divert water from the lot they were developing at the time, specifically violating the requirements of subdivision regulations. 4) The Public Works Director, the director's designated inspectors and the City Manager have failed to adequately perform their duties and fulfill their responsibilities as specified in those regulations. He said these conclusions were based on photos, videos and documented public records as well as reports from residents, the developer of the subdivision and members of the City Council. They are supported by a retired hydrologist with 30+ years of experience. He said the intent of the subdivision regulations referenced "declare to be the policy of the local government to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the local government." He said he understood that when the City approved the development of the Plantation Subdivision, it became the sole governing authority responsible for insuring the development met proper specifications, therefore making the City as responsible as the contractors and developers for the current drainage issues, since it did not properly perform its duties during the construction of the drainage system. He understood that a lot of what has taken place happened before the current Council was in place, however, they must accept the mistakes and problems left behind by their predecessors and address these problems. He ended by saying in the last four months the resident committee has been encouraged not to pursue legal action by both the local developer and council members with assurances that if all work together it could be worked through and the problem solved. He said the committee has been stalled by such things as lost engineering plans, delays in determining the proper course of action to take and delays in determining quotes for repairs, all of which were things that were requested by the city or the developer. He said now the City has advised the residents to take legal action and quickly as there may be a statute of limitations. As all sit around and place blame the property is slowly eroding away, crawl spaces and basements continue to suffer structural damage and the drainage problem continues to get worse. Lastly he said no matter what legal or political maneuvering is used to get around this, the residents know what parties are responsible for the mess and know who should fix it. Tom Hawks, 12196 Tobacco Road, reiterated things stated by Mr. Grace and about the routing of the ditches and the pre-planning, asking who approved such changes. Vice-Mayor Privett asked if the final set of plans have been compared with the ditching that is there. Commissioner Adams stated he has gone through every plat and every plat shows a ten foot open ditch or easement. Vice-Mayor Privett asked if the ditches are located as shown on the plats. Commissioner Adams stated they were not. Vice-Mayor Privett said the engineer who designed the subdivision submits it using his expertise saying that the design will work and if it doesn't, it would resort back to two people, the developer and/or the engineer. City Attorney Elliott agreed. Further discussion was held on how to fix the problem and who's responsible. City Attorney Elliott stated the only thing the City owns is the road rights-of-way and that T.C.A. states that the City is not liable for any inspection issues. Mr. Hawks stated that some of the gutters are so wide open that a child could easily be wash away in them. Commissioner Harmon said these

were to have been fixed and that someone would be on site tomorrow. Adam Vastano, 12229 Plow Lane, said nothing had been done to the catch basins on his end of the road. He said Mr. Hill told him that he had a deal with the City that they would do part and he would do part. He explained how his property is being affected. Vice-Mayor Privett apologized saying the catch basins would be fixed. Mark Delaney, 12205 Plow Lane, spoke about his concerns and how his house has been damaged not only by water but by mud. He said when the water comes, it is not clear. Mr. Grace said he felt the City was responsible citing the subdivision regulations. City Attorney Elliott said the Tennessee Code (law) states who and what is responsible. Vice-Mayor Privett said the City will do what the guidelines of the law will allow but that tax dollars cannot be spent on private property.

Mark Bivens, 910 O'sage Drive, stated his appreciation of the paving on School Street, but the school has recently decided that traffic will enter from Oak Street. There are so many people picking up their children in cars that the car line is blocking Hotwater Road as well as some driveways. He asked for a "do not block intersection" sign to be placed at the corner of Oak Street and Hotwater Road. Vice-Mayor Privett asked the City Manager to address this.

Bob Dodd, 370 Rock Quarry Road, stated a friend was recently involved in a motorcycle accident on Rock Quarry Road and that it took 30 minutes for an ambulance to arrive because they couldn't locate the section of Green Pond that intersected with Rock Quarry Road. He asked if the road name could be changed to become a part of Rock Quarry Road. Vice-Mayor Privett said anytime you discuss changing the name of a road it is very controversial. He said residents have insurance policies, deeds, licenses, etc. that are a nightmare to change. City Manager Stulce said this was discussed in a recent 911 meeting and the problem was identified. It was not the ambulance crew who couldn't locate the road, it was the 911 system that couldn't locate the right section of Green Pond Road, but this has been addressed and corrections made.

Robert Cothran, 10175 Dallas Hollow Road, reminded the Board of the Vietnam Veterans 5th Annual Meet and Greet to be held on Saturday, September 12th at 10:00 a.m. until 4:00 p.m. at Veterans Park. He stated that the World War I Monument in front of city hall was being relocated to the park and a special recognition will be held on Saturday. In addition, Mr. Cothran presented a drawing of things they would like to see added to the park. Items included additional flag poles representing all departments of the military, lights on each flag and brick walkways. Vice-Mayor Privett acknowledged that the Daisy Dallas Lions Club was a part of establishing the memorial several years ago.

City Manager Stulce presented results on bids taken for replacement of the heat and air unit for Station 1. He said the initial cost and warranties were considered. He stated a \$426 cost difference between the Titan Heating and Air bid and the one from Grant Heating and Air, but stated that Grant's bid included a better warranty. Vice-Mayor Privett said that Grant's bid had a 10 year all parts warranty on a 90+ furnace. City Manager Stulce recommended the bid of Grant Heat and Air be accepted. A motion was made by

Commissioner Adams to approve the bid of Grant Heat and Air at a cost of \$9,500. The motion was seconded by Commissioner Harmon and the motion carried unanimously.

City Manager Stulce presented bids taken on dumpster services. He said bids were compared for the roll off (40 yard) dumpster based on last year's numbers and that two bids were received that were comparable. He said the low bid for the six yard dumpsters was Waste Services. Vice-Mayor Privett gave the annual cost difference on the roll off dumpster to be approximately \$600. Commissioner Harmon noted that the current provider had lowered their price some \$4,000 a year which shows him that they have been operating with an open checkbook for the past several years. With placing the service out to bid, it saves the City several thousand dollars. He asked since the two dumpster types were bid separate, can the awards be to two different contractors. City Attorney Elliott answered yes. Commissioner Harmon made a motion to award the front loader dumpster service to Waste Services and the 40 yard dumpster service to Priority Waste Services. Vice-Mayor Privett said based on Priority Waste being a local company, he seconded the motion. A vote was taken and the ayes were unanimous.

City Manager Stulce presented pricing for 15 Motorola pagers for the fire department from Communications and Electronics at a cost of \$5,972 which is a sole source provider and State contract pricing. He said that 10 pagers will be reimbursed by Hamilton County and TVA. A motion was made by Commissioner Harmon and seconded by Commissioner Skiles to approve the purchase as presented and the motion carried.

City Manager Stulce presented quotes taken for the purchase of knit polo type uniform shirts for the fire department, city hall, and some police personnel. These will be monogrammed with the person's name and the city logo. If 100 are purchased, there is a considerable price break. Three quotes were taken with the low price being from Law Enforcement Supply at a cost of \$30.69 each including monograms. A motion was made by Commissioner Adams to approve the purchase. The motion was seconded by Commissioner Harmon and the ayes were unanimous.

Police Chief Hamrick came before the Board to request the purchase of one patrol car and equipment. He said the budgeted amount for the car was \$23,900 and the state contract pricing for the car and equipment from Alexander Automotive is \$24,794. Chief Hamrick said this would include all equipment except for the radio. He noted it would take about three months for delivery. A motion was made by Commissioner Adams to approve the purchase, seconded by Commissioner Harmon and the ayes were unanimous.

City Manager Stulce reported that the signs for Miss Tennessee were received and asked if there were any suggestions as to where they should be posted. After discussion, the Board asked that the City Manager come up with suitable locations.

City Manager Stulce ended his report by giving the results of the brush pickup for the past few months.

He also gave the cost for asphalt material for the School Street project at \$20,944 which is far under the (not to exceed) \$35,000 approved by the Board. He reported that he had met with Copp Engineering on the original plans for the south end sewer project which in the future he will refer to as the #3 Fire Hall project. Mr. Copp is revising the drawings as requested. He said that he will be meeting with a property owner tomorrow about what is being proposed. He added that he had talked with the County engineer this week about the Bell Street sewer project. The WWTa has agreed to do the design and manage the project.

Commissioner Adams read a letter received from Oak Street Baptist Church in appreciation of the work done by the City on the ditch line on the corner of Oak Street and Hotwater Road.

Commissioner Adams questioned if all the brush ground for mulch was gone and if so would it be a good time to grind more. Commissioner Harmon said there was some available but it needed to be moved to the pickup area.

Commissioner Skiles asked if there were restrictions on dogs in parks. Recorder Burris said the Ordinance reads that dogs were permitted on a leash. She said if it was the desire of the Board to restrict them from the walking track, there is a section in the Municipal Code that specifically addresses walking tracks. Vice-Mayor Privett said he felt dogs should be allowed in parks but not on the track. He said certain areas of the parks can be designated for them. Janice Hixson suggested the City require dog owners to pick up after their dog. Commissioner Skiles said he is hearing complaints from people who are afraid of dogs. Vice-Mayor Privett asked the City Manager to look into this.

Vice-Mayor Privett reminded those present of the Meet and Greet on Saturday, September 12th. He also announced the 2nd Annual Community Day at Stoney Point Baptist Church on Saturday, September 19th from 9:00 a.m. until 3:00 p.m.

ADJOURNMENT 8:22 P.M.

RECORDER SARA BURRIS